

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:13-cr-00166-TWP-MJD
)	
JAMAR JAVON JACKSON,)	-01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On September 28, 2023, the parties appeared for a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 7, 2017. [Dkt. 71.] Defendant appeared in person and by FCD counsel Dominic Martin. Government represented by AUSA Lawrence Hilton. USPO represented by Ryan Sharp.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Jackson of his rights and ensured he had a copy of the Petition. Defendant orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Jackson admitted violation nos. 3 and 5 as set forth in the Petition. [Dkt. 71.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition are as follows:

Violation No. Nature of Noncompliance

- 3 **"You shall not knowingly leave the judicial district without the permission of the court or probation officer."**

On October 27, 2016, Detective Ghiringhelli with the Kalamazoo, Michigan, Department of Public Safety notified the U.S. Probation Department of a shooting that occurred on October 26, 2016. Detective Ghiringhelli provided an information sheet containing Mr. Jackson's picture and advised they have probable cause for his arrest. It was reported that the offender shot another individual, Brian Lark, in the victim's vehicle. Mr. Lark was to sell the offender two pounds of marijuana; however, there was an altercation between them. Mr. Lark grabbed the offender's black semiautomatic handgun, and they wrestled for control of it. The offender was able to fire two rounds which struck Mr. Lark. The offender fled on foot with a garbage bag containing 2 pounds of marijuana, the gun, and \$6,000 in cash. Mr. Lark was treated and released from the hospital. The offender was charged with felony counts of Assault with Intent to Rob While Armed; Assault with Intent to do Great Bodily Harm Less Than Murder; Firearms - Possession by Felon and three counts of Weapons - Felony Firearm, under cause number 2016009493. He is presently in the Kalamazoo County, Michigan, Jail pending trial.

- 5 **"The defendant shall refrain from unlawful use of a controlled substance."**

On October 6 and 21, 2016, Mr. Jackson submitted urine samples that tested positive for marijuana. On October 21, 2016, he admitted using marijuana.

4. The Court finds that:
- (a) The highest grade of violation is a Grade C violation.
 - (b) Defendant's criminal history category is IV.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months' imprisonment.
5. The parties jointly recommended a sentence of 1 year and 1 day incarceration, with no supervised release to follow. Defendant requested placement at the Federal Bureau of Prisons satellite camp at FCI Terre Haute, Indiana. The parties justified the one day upward departure from the guideline range by noting the agreed sentence was in exchange for the

dismissal of three Grade A violations, and that, with good time credit allowed by the additional day, Defendant's time actually served should be within the guideline range.


The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions set forth in violation nos. 3 and 5 of the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of 1 year and 1 day with no supervised release to follow. The Court further recommends that Defendant be placed at the Federal Bureau of Prisons satellite camp at FCI Terre Haute, Indiana, if that facility provides the appropriate security level for Defendant Jackson.

The Defendant is to remain in custody pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge.

The parties on the record waived the fourteen-day period to object to this Report and Recommendation.

Dated: 28 SEP 2023



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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